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The Peoples' Hadith: Evidence for Popular Tradition on Hadith as Physical Object in the First Centuries of Islam

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Abstract

The Prophet's documents comprise a category of objects that are the intentions of the Prophet, legally binding texts, and physical objects that touched the Prophet all at once. Reports of these documents are found in various genres of medieval Islamic literature, where they are frequently transmitted through family *isnād*s. While these reports are self-consciously geared toward recording the intentions of the Prophet, in effect they reflect the concern of the subalterns of hadith literature to locate themselves somewhere within the narrative of the Prophet's life. The reports investigated here thus preserve an element of what hadith meant to Bedouin recipients, revealing a pre-canonical arena for hadith in which hadith behaved not as text but as physical object, as a "hadith-object."[1]

Keywords

Hadith, Bedouin, Prophet's documents, popular tradition, subaltern, early Islamic historiography

Résumé

Les documents du Prophète comportent une catégorie d'objets qui sont les intentions du Prophète, textes légalement contraignants et des objets physiques que le Prophète

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toucha au moins une fois. Les récits sur ces documents se trouvent dans différents genres de la littérature islamique médiévale, où ils sont fréquemment rapportés au moyen d'*isnād*s familiaux. Bien que ces récits visent consciemment à préserver les intentions du Prophète, en réalité, ils reflètent les préoccupations de personnages secondaires de la littérature de hadith, désireux de se situer quelque part dans la trame narrative de la vie du Prophète. Ainsi, les récits examinés ici conservent un élément de ce que signifiait le hadith pour ses destinataires bédouins, dévoilant un stade précanonique du hadith dans lequel le hadith ne se conçoit pas comme un texte mais comme un objet physique ou un « hadith-objet ».

Mots clés

Hadith, Bédouins, documents du Prophète, tradition populaire, subalterne, historiographie islamique

Introduction

Lists of the Prophet's possessions provided by al-Buḫārī (d. 256/861) and Ibn Sa'd (d. 230/845)[2] indicate the existence of early traditions on objects that survived the Prophet. Some of these figure in hadith dealing with the healing and transformative properties of these objects.[3] Such lists and traditions on relics are not the only kind of traditions on objects related to the Prophet. This paper focuses on historical reports on Bedouin tribes receiving a certain category of object from the Prophet: a document. Although the sources do not typically organize or recognize documents in the category of sacred objects or relics, they provide the material to treat them as a distinct category of object. Organizing the material differently from how it is provided in the sources may show us relationships otherwise obscured, revealing the shared features in these traditions. These reports present a confluence of objects, texts, and persons; in the way in which the Prophet's documents are intellectually

2 Muḥammad b. Sa'd, *al-Ṭabaqāt al-Kabīr*, ed. E. Sachau, Leiden, E.J. Brill, 1904-1940, 1/2, p. 147-177 provides several chapters which include descriptions of the Prophet's clothing, seal, toothbrush, swords, and domestic animals.

3 David Samuel Margoliouth, "The Relics of the Prophet Muhammad", *The Moslem World*, 27 (1937), p. 20-21. It is notable that, as Margoliouth states, al-Buḫārī's list divides the relics into those exclusively held by the caliphs and those that circulated amongst the Companions and other ordinary believers.

constructed by the literary sources, as well as in the way that the reports narrate their use as objects that signify personal contact with the Prophet.

The notion of *baraka* is cited by hadith scholars such as al-Nawawī (d. 676/1277) to describe the benefit acquired by the believer through contact with parts of the Prophet's body or objects that have touched his body.[4] In contrast, the practices illustrated here are distinctive in that they do not mention or deal with *baraka*. Instead of symbolizing the authority of their recipients, they are often described as unreadable or destroyed by recipients, and they are provided with detailed physical descriptions sometimes to the exclusion of a citation of their textual contents. These traditions can be used by historians to reconstruct claims by those marginalized in Muslim society and learned tradition (such as Bedouin and non-Muslims) seeking to situate themselves in the context of the Prophet's life. These traces suggest that the documents served for them a different function than Joseph Meri's examples of relics such as the Prophet's sandal which were controlled with limited common access.[5] Traditions on the Prophet's documents may therefore indicate that concurrent with, perhaps even prior to, compilation and canonization there was a localized, tribal popular arena for hadith where hadith was thought of and treated not as legal text but as physical object, as "hadith-object." This conflicts with a verbal hadith culture transmitted by Companions and negotiated by the scholarly elite, and traces of both the marginalized tribal and the traditionalist conceptions of what was carried away from the Prophet and what the Prophet left behind appear in the more lengthy reports about the Prophet's documents. This paper thus attempts to recover a subaltern voice from hadith by tracing a social map of claims of document possession and preservation.

The collection of these reports that mention the materiality of documents granted to the Bedouin tribes takes Muḥammad Ḥamīd Allāh's edition of reports and redactions of the Prophet's documents, *Maǧmūʿat al-waṯāʾiq*

4 Oliver Leaman, "Baraka", *The Qur'an: An Encyclopedia*, ed. Oliver Leaman, London, Routledge, 2005, p. 113.

5 Joseph Meri has shown that the sanctity and power attributed to both copying and copies of the Prophet's sandal are reflected in traditions that possibly originated in the twelfth century. The Prophet's sandal "symbolized the authority of the *ʿulamāʾ* and that of the hadith scholars in particular as keepers of the traditions of the Prophet", see Joseph W. Meri, "Relics of Piety and Power in Medieval Islam", *Past & Present*, 206/5 (2010), p. 109. It was hadith scholars and theologians who mediated the transmission of *baraka* of the sandal to paper copies of it. Copies of the sandal were known to be held by traditionists: Abū Ṭāḥir Aḥmad b. Muḥammad al-Silafī (d. 576/1180) in Alexandria, al-Amīn Hibat Allāh b. Aḥmad b. Muḥammad al-Akfānī (d. 524/1129) in Damascus, and Aḥmad b. Muḥammad b. Yūsuf b. Masʿada l-Fazārī (d. *ca* 6th/12th c.) in Isfahan. See Meri, "Relics", p. 108.

al-siyāsiyya li-l-ʿahd al-nabawī wa-l-ḫilāfa l-rāšida, and Ibn Saʿd's chapters on the messengers of the Prophet and tribal delegations in his *Ṭabaqāt al-kabīr* as starting points. Corroborating and alternate accounts were sought in early *sīra* texts, major hadith compilations, early legal manuals on taxation, *taʾrīḫ* works, and major *riǧāl* works. *Taʾrīḫ*, chancery, and legal treatises from the Mamluk period were consulted in order to investigate the later circulation and use of these reports. This is not meant to be exhaustive of all citations in the literature of documents granted to Bedouin by the Prophet, but a presentation of the results of tracing citations of the physical characteristics of such documents. These results show that the materiality, more often than the textual contents, of the documents acts as a narrative motif, and that extensive visual and other material details of the documents are almost always provided in reports through first-person narrators via family *isnāds*. Longer accounts of these documents share formalistic and stylistic features that shape reports to focus on verbal hadith, while underneath this shaping lie local, tribal traditions narrating unmediated contact with the Prophet as evoked by the objects brought away from his presence.

I Legal, Narrative, and Personal Value of Documents

Works devoted to the "letters" of the Prophet and the tribal delegations to him return to the earliest surviving layer of Arabic historiography, and several works have been lost.[6] Documents may have been an early interest and organizing principle for reports. In the context of the Prophet's biography as it now survives, documents granted to the Arab tribes are part of a more aggressive

6 Lecker notes that Ibn Saʿd's sources return to the second half of the second/eighth and beginning of the third/ninth centuries and indicate that several, now lost, works were compiled, most prominently by al-Madāʾinī and Ibn al-Kalbī, on the letters of the Prophet and tribal delegations. See Michael Lecker, "The Preservation of Muhammad's Letters", in *People, Tribes and Society in Arabia around the Time of Muhammad*, Burlington, Ashgate (« Variorum collected studies series », CS812), 2005, p. 4. Ibn Saʿd is one of the major sources for the Prophet's documents, and his immediate sources for reports on the documents include al-Wāqidī (d. 207/823), al-Madāʾinī (d. 228/843), Ibn al-Kalbī (d. 204/819 or 206/821), and al-Hayṯam b. ʿAdī (d. 207/822). Lecker shows that in Ibn Saʿd's chapter on the tribal delegations, his reports from these earlier sources often quote tribal informants. See Lecker, "Preservation", p. 15-16. Cf. Ilkka Lindstedt who argues that these earlier works may not have been definitive written works and that a reference to "al-Madāʾinī's books" was to recensions by his students. See Ilkka Lindstedt, "The Role of al-Madāʾinī's Students in the Transmission of His Material", *Der Islam*, 91/2 (2014), p. 295-340.

phase of strategy of creating agreements and affiliations with the Bedouin, undertaken in Medina leading up to the tribal delegations in year 9/630-631. Delegates and groups of new Muslims arriving in Medina are represented as requesting written regulations involving security and safe-conduct, taxes, rights to land,[7] and religious obligations. For example, in a report returning to Muḥammad b. Kaʿb, the members of the deputation of Ḫaṯʿam asked the Prophet "to write a document so that we may follow what is in it" (*fa-ktub lanā kitāb natbaʿu mā fīhi*). As befits a legal text, this was witnessed by Ǧarīr b. ʿAbd Allāh "and whoever was present."[8] The texts of these documents corroborate Stefan Leder's argument that the distinction and tension between the Muslims of Medina and the Bedouin was not one between conflicting socio-economic lifestyles but a reflection of distinct political-military affiliations and the Bedouin's relative autonomy.[9] These documents often provide rights to specific pieces of land, and usually require the *šahāda*, *ṣalāt*, *zakāt*, and sometimes the *ḫums* and other taxes, rather than required participation in campaigns, in order to be granted the security of the Muslim community.

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7 What could an *iqṭāʿ* granted by the Prophet refer to in the case of Bedouin tribes? This seems to refer to rights to certain uses of the land, such as watering places, pasture, camping grounds (summer residence for nomadic pastoralists), as well as rights to cultivate land for the sedentary branches of the tribe. For an example of an account of a document that deals with rights to water, see Michael Lecker, *The Banū Sulaym: A Contribution to the Study of Early Islam*, Jerusalem, Hebrew University of Jerusalem (« The Max Schloessinger memorial series. Monographs », 4), 1989, p. 174-175 and especially p. 175, note 179 where he notes that "ownership" here may be an inappropriate term since such rights may have been reclaimed annually. He also points out that such awards tended to represent recognition of existing rights. For an explanation of the Prophet's principle of granting land pending on the condition of its cultivation see Meir Jacob Kister, "The Struggle against Musaylima and the Conquest of Yamāma", *Jerusalem Studies in Arabic and Islam*, 27 (2002), p. 35. For Qudāma b. Ǧaʿfar's (d. 320/932) argument in his *Kitāb al-Ḫarāǧ* that this principle returned to a pre-Islamic custom which allowed cultivation and prohibited preventing others from making use of such resources as water, pasture, and wood for fire see Paul Heck, *The Construction of Knowledge in Islamic Civilization: Qudāma b. Jaʿfar and His* Kitāb al-Kharāj wa-ṣināʿat al-kitāba, Leiden-Boston, Brill (« Islamic history and civilization », 42), 2000, p. 178.

8 Ibn Saʿd, *Ṭabaqāt* , I/2, p. 78.

9 Stefan Leder, "Towards a Historical Semantic of the Bedouin: Seventh to Fifteenth Centuries, A Survey", *Der Islam*, 92/1 (2015), p. 105-109. Leder points out the significance of the option to recognize the Prophet's authority without meeting the obligation of the *hiǧra*, see *ibid*., p. 108, as seen in the following report given by Ibn Saʿd: ʿUqba b. ʿĀmir b. ʿAbs al-Ǧuhanī was in the middle of organizing his battle wealth when he heard of the approach of the Prophet and rushed to meet with him and declare his *bayʿa*. The Prophet asked him which pledge he intended: *bayʿa ʿarabiyya turīdu aw bayʿat hiǧra*, see Ibn Saʿd, *Ṭabaqāt*, IV/2, p. 65-66.

The citation of a document of the Prophet can serve multiple purposes in the literature. It can be adduced as evidence for legal practice or the historical narrative of an event, but it can also express the status and expertise of the recipient. On their uses in legal arguments, Ignaz Goldziher mentions the citation of the Prophet's documents containing pronouncements on taxation and ransom money by such authorities as Abū Yūsuf in his *Kitāb al-Ḫarāǧ* (d. 182/798) and Mālik b. Anas (d. 179/795) in his *al-Muwaṭṭa'*.[10] Michael Lecker also notes the probative value of the Prophet's documents concerning taxation to early authorities who report on legislation being changed upon discovery of a document of the Prophet.[11] On their uses in narrative texts, John Wansbrough posits the form and function of documents, with their distinctive formal and formulaic wording, in episodic *sīra-maġāzī* narrative as emphatic and testimonial, "witness to action as cause and effect."[12] To Albrecht Noth the use of the epistolary form evinces that to the traditionist who cites the text the written document has a special status as "evidence."[13] However, both the legal and narrative values of documents are not absolute and can be dismissed in the literature. Wadād al-Qāḍī has shown that while the judge Abū ʿUmar Muḥammad b. Yūsuf al-Kindī (d. 350/961) can be proven to be citing an actual Umayyad-era papyrus document in one of his reports in his *Kitāb al-Quḍāt*, and while he probably does use more documentary sources than he explicitly mentions, his two surviving works show an ambivalent usage of documents. In his account of the agreement between the Muslims and the Nubians under the governor ʿAbd Allāh b. Saʿd b. Abī Sarḥ, al-Kindī follows his teacher Ibn Qudayd in preferring a report that denies the existence of a document while rejecting a report from Ibn Qudayd's teacher Ibn Ṣāliḥ which both asserts the existence of a document

10 Ignaz Goldziher, *Muslim Studies*, transl. Christa Renate Barber and Samuel Miklos Stern, London, George Allen & Unwin Ltd., 1971, II, p. 57-58.

11 Michael Lecker, *The "Constitution of Medina": Muḥammad's First Legal Document*, Princeton, Darwin Press (« Studies in late antiquity and early Islam », 23), 2004, p. 199.

12 John Wansbrough, *The Sectarian Milieu: content and composition of Islamic salvation history*, Oxford-New York, Oxford University Press (« London oriental series », 34), 1978, p. 36. Wansbrough assigns this function even to the formula, consistently used for example by al-Wāqidī and Ibn Isḥāq, to introduce the text of a document, arguing that *kataba* gives "to the report a dimension (*scil.* attested, reliable, "official") not contained in such introductions as 'he said' (*qāla*) and 'he related' (*ḥaddaṭa*). Documents, in brief, provided emphasis of a sort not otherwise available". See *ibid.*, p. 37.

13 He points out that legal content is provided more often through letters than quoted speeches in the literary sources. Albrecht Noth and Lawrence I. Conrad, *The Early Arabic Historical Tradition: a source-critical study*, transl. Michael Bonner, Princeton, Darwin Press (« Studies in late antiquity and early Islam », 3), 1994, p. 96.

and provides the entire text of it.[14] Concerning a much later set of sources from the Mamluk period, Yehoshua Frenkel's study of the political context of legal treatises on the validity of Tamīm al-Dārī's land grant from the Prophet shows that, even when a physical document exists and has a history of scholarly authentication, it can be rejected according to a jurist's legal position.[15]

While citation of documents of the Prophet can focus on the legalistic and ritualistic content of the texts, especially in hadith literature, these reports can still express the status of an individual or even a location. For example, Rāfiʿ b. Ḫadīǧ reports that the Prophet's statement sanctifying Medina was written on a type of Yemeni tanned leather and that he can bring forth this text as proof: *huwa maktūb ʿindanā fī adīm ḫawlānī*[16] *in šiʾta an nuqriʾakahu*.[17] A parallel report found in the *Saḥīḥ* of Muslim represents this reference to the physical text as the definitive proof in a debate on the merits of Mecca versus Medina which finds expression in a complex of traditions given in his chapter on the *ḥaǧǧ*.[18]

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14 Ibn Qudayd chose not to transmit this account in favor of the skeptical report from the Egyptian scholar and son of a Nubian prisoner of war, Yazīd b. Abī Ḥabīb (d. 128/745), thus basing his choice on transmitter-criticism, see Wadād al-Qāḍī, "An Umayyad Papyrus in al-Kindī's *Kitāb al-Quḍāt*?", *Der Islam*, 84/2 (2008), p. 235.

15 See reports of its rejection by the judge Ḥāmid al-Harawī according to an account given by Abū Bakr Muḥammad b. al-ʿArabī during his travels in Syria 492/1099 where the judge counters the legality of the act of the Prophet; given by Ibn Ḥaǧar and al-Maqrīzī. See Yehoshua Frenkel (ed. and transl.), *Ḍawʾ al-sārī li-maʿrifat ḫabar Tamīm al-Dārī: On Tamīm al-Dārī and His Waqf in Hebron*, Leiden-Boston, Brill (« Bibliotheca Maqriziana. Opera minora », 2), 2014, p. 224-225, 284-285, and see his Frenkel's Introduction on the split between Šāfiʿī and Ḥanafī scholars over the validity of this document.

16 Ḫawlān is one of the various sectors of Yemen. Cf. Yāqūt b. ʿAbd Allāh al-Hamawī, *Kitāb Muʿǧam al-buldān*, ed. Ferdinand Wüstenfeld, Tehran, Manšūrāt maktabat al-Asadī, 1965, II, p. 499. It also refers to a tribe that includes Banū Bišr and Banū Yaʿnuq who lived at Maʾrib, Ǧuruš, and Ṣaʿda. See Ahmad Khan, "The Tanning Cottage Industry in Pre-Islamic Arabia", *Journal of the Pakistan Historical Society*, 19 (1971), p. 89.

17 Aḥmad b. Muḥammad b. Ḥanbal, *al-Musnad wa-bi-hāmišihi kitāb muntaḫab kanz al-ʿummāl fī sunan al-aqwāl wa-l-afʿāl li-l-Muttaqī l-Hindī*, Cairo, al-Maṭbaʿa l-Maymaniyya, 1895, IV, p. 141.

18 Muslim b. Ḥaǧǧāǧ al-Qušayrī, *Ṣaḥīḥ Muslim bi-šarḥ al-Nawawī*, Beirut, Dār Iḥyāʾ li-l-turāṯ al-ʿarabī, 1984, IX, p. 135 (*Kitāb al-Ḥaǧǧ, bāb al-Madīna wa-duʿāʾ al-nabī* [*ṣlm*] *fīhā bi-l-baraka*). These traditions can be seen in the context of Mecca-Medina rivalry and pro- and anti-Umayyad sentiment. Cf. Goldziher, *Muslim Studies*, II, p. 46 on Umayyad insults for Medina. The same mechanism may be at work in a report found in al-Buḫārī on a man from Yemen called Abū Šāh standing up and asking for a written record from the Prophet of his announcements, made in the year of the conquest of Mecca, on the sanctity of the

The legal content of some of the documents obviously makes them choice material for hadith collections. For example, al-Dārimī's (d. 280/894) chapter on blood-money, "Kitāb al-Diyāt," in his *Sunan* consists almost entirely of the texts of the letters by the Prophet to ʿAmr b. Ḥazm, sent to govern Yemen, as related by his son.[19] Yet many reports of documents from the Prophet originate with less well-known individuals transmitted through family *isnād*s. A family *isnād* is one in which the earlier layer of the *isnād* remains within a family or tribe while the later part of the *isnād* is composed of recognized hadith transmitters or compilers of historical reports.[20] Traditions on the Prophet's documents that originate with and are narrated by these eye-witnesses often make explicit mention of personal memories. These suggest that to them these documents are meaningful as localities of intersection between their own individual lives and occasions in the Prophetic narrative. For example, ʿAbd Allāh b. ʿUkaym al-Ǧuhanī recalls the arrival of a document from the Prophet to the Ǧuhayna when he was a boy.[21] With reports from tribal informants, hadith collections can tend to paraphrase or quote the legal content only, rather than the entire text of the document. The report from ʿAbd Allāh b. ʿUkaym al-Ǧuhanī does not quote the text in full but excerpts it, the excerpt concerning a prohibition regarding the use of dead flesh. Here the interest of the transmitters of this hadith in the legal content does not coincide with the claim being made by the tribal informants from the Ǧuhayna on contact with the Prophet and their locations within the narrative of his life.

Michael Lecker provides ample evidence for the dominance of family *isnād*s in reports of the Prophet's documents, both in his article covering Ibn Saʿd's chapters on the letters and tribal delegations and in his monograph on the Banū Sulaym. Lecker's article argues that the principle tradents in Ibn Saʿd's *isnād*s were his, probably written, sources for the collections of the letters, which they themselves obtained from "fieldwork" among tribal informants,

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city and regulations on fighting and uprooting of various plants. The Prophet commands the congregation to produce this document for Abū Šāh. Abū ʿAbd Allāh Muḥammad b. Ismāʿīl al-Buḫārī, *Ṣaḥīḥ al-Buḫārī*, Riyadh, Bayt al-afkār al-dawlīya li-l-nashr, 1998, p. 457, no. 2434 (*Kitāb fi l-luqṭa*).

19 ʿUṯmān b. Saʿīd al-Dārimī, *Sunan al-Dārimī*, Damascus, Maṭbaʿat al-iʿtidāl, 1349/1930, II, p. 188-195.

20 Joseph Schacht finds family *isnād*s "spurious" and used to "claim an additional guarantee of soundness". See Joseph Schacht, *The Origins of Muhammad Jurisprudence*, Oxford, Clarendon Press, 1970, p. 170-171; however, his examples are all from *isnād*s originating with attested hadith transmitters or Companions such as Zayd b. Ṯābit, ʿĀʾiša, ʿUmar, ʿUṯmān, Mālik, or ʿAmr b. Šuʿayb.

21 Ibn Ḥanbal, *al-Musnad*, III, p. 310-311.

"because those who kept the letters for posterity in the first place were not historians. We usually owe the preservation of the extant letters of the Prophet not to the Prophet's 'chancery' but to the fact that they became an important component of the historical tradition of the relevant families and tribes."[22] Lecker notes that these individuals are usually not found in the genre of *riǧāl* literature which focuses on transmitters of interest to the major hadith collections and usually excludes tribal traditions whose *isnād*s fall short of the standard for hadith transmission.[23] These *isnād*s show that some documents became known outside of the recipient's family only in the second Islamic century.[24] Some of these reports mention that the tribal informant himself traces his report to something read in "the books of my fathers."[25] In his book on the Banū Sulaym, Lecker undertakes identification of the individual recipients of the Prophet's letters and grants to this tribe through use of Arabic geographical and genealogical texts. Muḥammad Ḥamīd Allāh also argues that the medieval collectors obtained their reports of the Prophet's documents mostly from the families of the letters' recipients.[26]

In all of these reports of the Prophet's documents, the presence of visual and other sensory details is in direct relation to the source of the report being identified as a possessor of the document. This also usually results in the report being provided in first-person narration. Both the existence of physical details provided by eye-witnesses and first-person narration are examples of what Daniel Beaumont has elucidated concerning the mutual shaping influences of *isnād* and *ḫabar*. Beaumont has shown that, according to the conventions of this form, what the character or protagonist of a *ḫabar* knows is directly dependent on what the narrator knows, resulting in thought and emotion, for example, to be expressed only in direct speech.[27] Beaumont's study of Companions' conversion narratives suggests that traditions not only grew but were reduced in content through a standardization of terms and style used in reports. This resulted in the mimetic aspects given in direct speech being replaced with more diegetic narrative in indirect speech. In the case of conversion narratives, the shift is due to developments in the larger intellectual tradition which sought to impose "a singular meaning on an event with important

22 Lecker, "Preservation", p. 22.

23 *Ibid.*

24 *Ibid.*, p. 5.

25 *Ibid.*, p. 13.

26 Ḥamīd Allāh, *Waṯā'iq*, p. 11.

27 Daniel Beaumont, "Hard-Boiled: Narrative Discourse in Early Muslim Traditions", *Studia Islamica*, 83 (1996), p. 15.

theological considerations." Thus more dramatic accounts given in direct speech may represent an earlier oral tradition.[28] The same kind of questions regarding stylistic aspects and shifts in the control of traditions can be posed to the reports on the Prophet's documents to tribes. Why is it almost exclusively the reports through family *isnād*s that provide material detail on the Prophet's documents, and are we seeing the collision of two different types of traditions (and different audiences) when reports elide the personal account, and claim of possession of a document, that is given in direct speech in order to focus on the event of the transmission of a hadith? In the case of a large complex of traditions such as of Tamīm al-Dārī's grant of land in Palestine, the drama and all attendant detail of the first-person account through family *isnād* makes that tradition, above the others in this complex, the most overwhelmingly popular one even up till the Mamluk period.[29]

II Materiality as Motif

Several reports on the Prophet's documents given to tribal members feature attention to the materiality of the documents, and some obsess with the destruction of the documents over revealing their contents. It is not the strictly linguistic contents but also the material nature and association with particular individuals and families that form the field in which these documents are sensible. Reports often mention the use of "red leather" (*adīm aḥmar*), for the Prophet's documents.[30] Leather (*adīm*, pl. *adam*) is distinguished from parchment (*raqq* or *waraq*) through the process of tanning.[31] "Red leather" is a reference to leather tanned with vegetable sources.[32] Historical sources also mention Arabian trade of a plant used for tanning leather, *qarẓ*, to Ethiopia

28 Beaumont, "Hard-Boiled", p. 22. Beaumont's study of the different types of narration found in these reports also shows that the tradition existed in the hands of various practitioners, including the public, and that increasing regulations concerning *isnād*s were not only used to gain control of the tradition but also to regulate modes of narration, see Beaumont, "Hard-Boiled", p. 29-30.

29 Frenkel, *Ḍaw' al-sārī*, p. 6.

30 Al-Qalqašandī notes *adam* as sometimes employed by the Prophet for his correspondence and mentions no other materials identified with the Prophet's documents. See Aḥmad b. ʿAlī al-Qalqašandī, *Ṣubḥ al-aʿšā fī ṣināʿat al-inšāʾ*, Cairo, al-Muʾassasa l-miṣriyya l-ʿāmma li-l-taʾlīf wa-l-tarǧama wa-l-ṭibāʿa wa-l-našr, 1964, II, p. 486.

31 Mohammed Maraqten, "Writing Materials in Pre-Islamic Arabia", *Journal of Semitic* Studies, 43 (1998), p. 288.

32 *Ibid.*, p. 290.

and Syria;[33] this is *mimora nilotica*, found plentifully in Yemen.[34] Several other plants used for tanning are noted in the sources,[35] while hadith include references to the Prophet or the Companions practicing tanning.[36] Use of *adīm* as a writing material is also mentioned in pre-Islamic poetry.[37] Reports on the Prophet's documents will also occasionally use the term *ǧild* which refers to more simply prepared leather.[38] Patricia Crone has shown that leather was a predominant article of local Arabian trade and prevalent in domestic material culture. It was produced in the Ḥiǧāz and possibly in Mecca, and also exported to Syria, though it is only the Yemeni product that can be said to have been a high-quality luxury good.[39] These documents on *adīm aḥmar* were thus on a common material not much different from the material of shoes.

Citation of a document from the Prophet on *adīm aḥmar* may well be a trope, but it is also technical terminology shared across several reports. A report through a family *isnād*, from Hišām b. Muḥammad b. al-Sā'ib < a man from the Banū ʿUkayl < the elders of his tribe, recounts a land grant given to members of the delegation of ʿUqayl b. Kaʿb, a *kitāb fī adīm aḥmar*.[40] A document for Qayla bt Maḫrama al-ʿAnbariyya of the Tamīm protecting her and her daughters from forced marriage and oppression was written on a small piece of red leather (*qiṭʿa min adīm aḥmar*). This has been transmitted from Qayla to her great grand-daughters.[41] Another report through a family *isnād* informs us that al-ʿAbbās al-Sulamī sought from the Prophet a document granting his tribe the land of al-Daṯīna and al-Rakiyya. In Ibn Saʿd's account, Abū al-Azhar reports that he visited al-ʿAbbās's descendent Nā'il, who was now chief of the tribe and resided in al-Daṯīna, and that Nā'il brought out a container in which was kept a scrap of red leather (*kurāʿ min adam aḥmar*), on which the grant from the Prophet was written.[42] As a trope, the repeated citations of *adīm aḥmar*

33 Patricia Crone, *Meccan Trade and the Rise of Islam*, Princeton, Princeton University Press, 1987, p. 98-100, 149.

34 Khan, "Tanning Cottage Industry", p. 89.

35 *Ibid*., p. 87-88.

36 *Ibid*., p. 91-92.

37 Maraqten, "Writing Materials", p. 291.

38 *Ibid*.

39 Crone, *Meccan Trade*, p. 149.

40 Ibn Saʿd , *Ṭabaqāt*, I/2, p. 45.

41 ʿAffān b. Muslim < ʿAbd Allāh b. Ḥassān brother to the Banū Kaʿb, a branch of al-ʿAnbar < Ṣafiyya bt ʿUlayba and Duḥayba bt ʿUlayba < Qayla bt Maḫrama. See Ibn Saʿd, *Ṭabaqāt*, I/2, p. 58.

42 *Ibid*., VII/i, p. 54: from Abī l-Azhar Muḥammad b. Ǧamīl < Nā'il b. Muṭṭarif b. al-ʿAbbās al-Sulamī of the Banū Sulaym of the Banū Riʿl < his father < his grandfather al-ʿAbbās.

show us the expectations of an audience to whom this material was characteristic of a document from the Prophet, and who was familiar with narratives in which the fate of a recipient hinges on the fate of this document. And if we accept that this trope serves as a motif and reflects conventions familiar to an audience for traditions on tribal possession of documents from the Prophet, we can also surmise that minimalist reports mentioning only the existence of a document and its physical characteristics are not universally the work of editors but the vestiges of a tradition type that did nothing more than claim the possession of a document and circulate this story in the context of narratives of the Prophet's life.

A number of traditions provide only information on the location of a document and identification of its recipient. Destruction and re-use of materials is frequently mentioned, often in the context of a tribe's story of submission to the Prophet. The texts of these documents are often not provided. The Prophet wrote a letter to the Banū ʿUḏra on a palm branch or wooden stick (*ʿasīb*),[43] which was seized and broken by one of the Banū Saʿd of Ḥuḏaym, Ward b. Mirdās. Ward later converted and was martyred with Zayd b. Ḥāriṯa,[44] and he became emblematic of this response to a document from the Prophet. The Prophet wrote a document for Simʿān b. ʿAmr b. Qurayṭ b. ʿUbayd b. Abī Bakr b. Kilāb and ʿAbd Allāh b. ʿAwsaǧa al-ʿUranī. Simʿān used it to patch his bucket, earning his family a nickname, "the children of the patcher" (*banū l- rāqiʿ*). Simʿān then converted, and attended the Prophet in order to ask his forgiveness; he did this by reciting some verses on being granted the same clemency as was extended to Ward, since he was not a greater sinner than Ward.[45] The Prophet awarded two lands to Zayd b. al-Ḫayl of the Banū Nabhān, a heroic tribal figure and poet who lead the delegation of the Ṭayyiʾ. Perhaps as a reflection of heroic narratives on Zayd, the Prophet is reported as announcing that meeting Zayd has convinced him that he is "the only man of the Bedouin"

43 ʿ*Asīb* could possibly also mean bone. Maraqten defines it as palm branch/stick, see Maraqten, "Writing Materials", p. 292. Al-Qalqašandī defines it as bone of shoulder-blade of camel, sheep or goat. See al-Qalqašandī, *Ṣubḥ al-aʿšā*, II, p. 486.

44 Ibn Saʿd, *Ṭabaqāt*, I/2, p. 33. This report returns to Ibn Saʿd's "collective *isnād*" given at the beginning of his section on the messengers and letters of the Prophet. *Ibid*., I/2, p. 15.

45 Ibn Saʿd, *Ṭabaqāt*, I/2, p. 30-31. The *isnād* is not a family *isnād* but returns to al-Zuhrī "and others". In al-Maqrīzī's account it is the Banū Ḥāriṯa b. ʿAmr b. Quraṭ to whom the document is addressed and sent back with ʿAbd Allāh b. ʿAwsaǧa b. ʿUrayna, and it is they who take it, wash it, patch their bucket with it, and refuse to reply to it. See Aḥmad b. ʿAlī l-Maqrīzī, *Imtāʿ al-asmāʿ bi-mā li-l-rasūl min al-anbāʾ wa-l-amwāl wa-l-ḥafada wa-l-matāʿ*, ed. Maḥmūd Muḥammad Šākir, Cairo, Maṭbaʿat laǧnat al-taʾlīf wa-l-tarǧama wa-l-našr, 1941, I, p. 441.

(*al-ʿarab*) described to him who does not fall short of his reputation. The report is given through a family *isnād*.[46] Zayd dies on his return to his tribe, and his widow intentionally destroys any artifacts of his contact with the Prophet. The reports suggest that this was only one of a collection of documents from the Prophet kept by Zayd. Ibn Saʿd's account has Zayd's widow seizing "everything that the Prophet—praise be upon Him—had written for him" and shredding it.[47] Ibn Hišām refers more clearly to a collection of writings and has Zayd's widow "burn in the fire" what she seized.[48] Riʿya al-Suḥmī received a document from the Prophet written on *adīm aḥmar* which he used to patch his bucket; then the Prophet sent an army against him and he lost all his family and wealth. When he finally approached the Prophet to convert, the Prophet presented him as "the one to whom I wrote and who took my document and patched his bucket with it." The text of the document is not provided.[49] Riʿya's daughter, who had converted earlier along with her husband's clan, the Banū Hilāl, protested that this treatment of a document from "the chief of the Arabs" would call catastrophe upon them.[50] These conventions on destruction and re-use of the Prophet's documents to the Arab tribes indicate that an audience was familiar with how such an account, always provided with physical detail, signals a story of catastrophe and/or reconciliation with the Prophet.

The textual contents of these documents are not the narrative focus of these reports, and the moralizing impulse of the narratives is clear. Yet these reports also feature thematic elements, such as the simple claim of possessing a document from the Prophet, and the prestige of this claim persists even while the recipient is illiterate. These themes are often in tension with formal and stylistic elements which structure an account around the narration of a hadith and shape a report to culminate in a moralizing statement or information on the intentions of the Prophet.[51] Reports of the Prophet's documents feature

46 Muḥammad b. ʿUmar al-Aslamī < Abū Bakr b. ʿAbd Allāh b. Sabra < Abī ʿUmayr al-Ṭayyiʾ the *yatīm* of al-Zuhrī < Hišām b. Muḥammad al-Sāʾib al-Kalbī < ʿUbāda al-Ṭayyiʾ < their elders. See Ibn Saʿd, *Ṭabaqāt*, 1/2, p. 59-60.

47 *Ibid.*, 1/2, p. 60.

48 Ferdinan Wüstenfeld, *Das Leben Muhammed's nach Muhammed ibn Ishāk bearbeitet von Abd el-Malik ibn Hischām*, Gottingen, Dieterich, 1858-1860, p. 947.

49 Ibn Ḥanbal, *al-Musnad*, v, p. 285-286. The report is also in Aḥmad b. ʿAlī b. Ḥağar al-ʿAsqalānī, *al-Iṣāba fī tamyīz al-ṣaḥāba*, [Cairo], al-Maktaba l-tiğāriyya l-kubrā, 1939, 1, p. 502-503, no. 2659, and in al-Maqrīzī, *Imtāʿ al-asmāʾ*, 1, p. 441-443.

50 *Ibid.*, 1, p. 443; Ibn Saʿd, *Ṭabaqāt*, 1/2, p. 31 who identifies the recipient only as al-ʿUranī.

51 Cf. Sebastian Günther, "Fictional narration and imagination within an authoritative framework: Towards a new understanding of Ḥadīṯ", in *Story-telling in the framework of non-fictional Arabic literature*, ed. Stefan Leder, Wiesbaden, Harrasowitz Verlag, 1998,

recipients specifically characterized as unable to read. A document to the Bakr b. Wāʾil granted to Ẓabyān b. Marṯad al-Sadūsī, of which only a fragment is cited, could not be read until a literate man from the Banū Ḍubayʿa b. Rabīʿa arrived. The latter tribe became nicknamed "the sons of the literate man" (*banū l-kātib*).[52] The report's *isnād* is through a tribal informant.[53] The text of a document for ʿUbāda b. al-Ašyab al-ʿAnzī of the Bakr b. Wāʾil assumes that the larger audience for the text will hear it rather than read it themselves; it states that those "to whom this document of mine is read and do not obey, they will have no succor from God" (*fa-man quriʾa ʿalayhi kitābī hāḏā fa-lam yuʿṭiʾ fa-laysa lahu min Allāh maʿūn*).[54] These documents can be preserved by families despite their inability to read them. A document requested for himself and his tribe by Mālik b. Aḥmar al-Ǧuḏāmī al-ʿAwfī, who approached the Prophet on the occasion of Tabūk, is preserved by his descendents and shown to the traditionists who note its material and physical condition. Al-Walīd b. Muslim reports that he asked Saʿīd b. Manṣūr to read it to him, as he was old and with weak eyesight. This document was on a small piece of leather (*ruqʿa min adīm*), four finger-lengths in width and about a (hands-)span in length, with the writing having faded. The tribal informant who presents this text also appears unable to read it since it is read out to him.[55]

Illiteracy is a theme of the tradition on ʿUyayna b. Ḥisn b. Huḏayfa b. Badr al-Fazārī and al-Aqraʿ b. Hābis al-Ḥanẓalī requesting documents from the Prophet confirming their alms. ʿUyayna and al-Aqraʿ had already converted and served the Prophet prior to the arrival of the Tamīmite delegation, the setting of this tradition.[56] They were each granted a document, written by

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p. 470, on how the impulse of narrativity becomes part of the structure of hadith itself as it reflects the recipient/listener's imaginative response to the narration of hadith rather than to the event described in the hadith.

52 Ibn Saʿd, *Ṭabaqāt*, I/2, p. 31.

53 ʿAlī b. Muḥammad < Saʿīd b. Abī ʿArūba < Qatāda < a man from Banū Sadūs. See Ibn Saʿd, *Ṭabaqāt*, I/2, p. 31.

54 ʿIzz al-Dīn b. al-Aṯīr, *Usd al-ġāba fī maʿrifat al-ṣaḥāba*, ed. Ḫalīl Maʾmūn Šīḥā, Beirut, Dār al-maʿrifa, 1997, II, p. 539, no. 2786.

55 Ibn Ḥağar, *al-Iṣāba*, III, p. 318, no. 7593, through a family *isnād*: Yazīd b. ʿAbd al-Rabbih < al-Walīd b. Muslim < Saʿīd b. Masʿūd b. Maḥriz b. Mālik b. Aḥmar al-Ǧuḏāmī < his father Mālik b. Aḥmar al-ʿAwfī.

56 ʿUyayna is part of this delegation in Ibn Hišām but not in al-Wāqidī. Cf. Ella Landau-Tasseron, "Processes of Redaction: The case of the Tamīmite delegation to the Prophet Muḥammad", *Bulletin of the School of Oriental and African Studies*, 49/2 (1986), p. 255 on how attempts to explain how ʿUyayna ended up in the Tamīmite delegation and the detail of his presence shows the confusion of the tradition and of the compilers faced with this

Muʿāwiya who then cast the documents at the petitioners after drawing them up. In one report, ʿUyayna binds his document into his turban and leaves, whereas al-Aqraʿ approaches Muʿāwiya and asks what the document contains, to which Muʿāwiya replies that it contains what he was commanded to write (*fīhā mā umirtu bihi*).[57] Al-Aqraʿ then comments that he is carrying back to his tribe, like the *ṣaḥīfa* of al-Mutalammis,[58] a letter whose contents he is ignorant of and which may be dangerous to him. To this the Prophet, annoyed, replies that whoever asks for more than what suffices him is demanding more of Hell.[59] Ibn Šabba's (d. 262/876) account situates the circulation of this tradition in the time of al-Walīd (r. 86/705-96/715),[60] providing the setting with a narrative of how Abū Kabša approached the Caliph (presumably petitioning for alms, or refraining from doing so) on account of this hadith which he then narrates. ʿUyayna may be the original querulous petitioner, in line with his depiction in the sources. In another report given by Ibn Šabba, it is ʿUyayna who makes the comment about *ṣaḥīfat al-Mutalammis*. Upon this, the Prophet takes the document himself, scans it, and says, "I have written in it for you what was commanded" (*fa-aḫaḏa l-nabī* [*ṣlm*] *ṣaḥīfatahu fa-naẓara fa-qāla: qad katabtu ilayka bimā umira fīhā*).[61] This version, using the verb for seeing (*naẓara*) rather

material. On ʿUyayna prior to his conversion and as one of those the Prophet attempted to win over through negotiations after the Battle of the Ditch see Muḥammad b. ʿUmar al-Wāqidī, *Kitāb al-Maġāzī*, ed. Marsden Jones, Oxford, Oxford University Press, 1996, II, p. 477-80.

57 Abū Zayd ʿUmar b. Šabba, *Taʾrīḫ al-Madīna al-munawwara*, ed. Fahīm Muḥammad Šaltūt, Mecca, Ḥabīb Maḥmūd Aḥmad, [1979], II, p. 534.

58 The Christian poet al-Mutalammis and his companion poet Ṭarafa lived during the reign of ʿAmr b. Hind of Hira (554-570 CE) in southern Iraq. The king, displeased with the poets, gave each a letter of introduction to his officer Rabīʿ b. Hawṭara in Baḥrayn, ordering their deaths. Al-Mutalammis, suspicious, had his letter read by a youth of Hira and discarded it. Ṭarafa refused to have his letter read and was consequently killed. See Abū l-Faraǧ al-Iṣfahānī, *al-Ǧuzʾ al-ḥādī wa-l-ʿišrūn min Kitāb al-Aġānī*, ed. Rudolf-Ernst Brünnow, Leiden, Brill, 1305/[1887-1888], XXI, p. 201. The unread death warrant is a widespread trope in Near Eastern literature. Compare 2 Sam 11: 15, 16 where Uriah delivers his own death warrant to Joab, unaware of the contents of his document. See Nabia Abbott, *The Rise of the North Arabic Script and its Kurʾanic Development, with a full description of the Kurʾanic manuscripts in the Oriental Institute*, Chicago, University of Chicago Press (« Oriental Institute publications », 1), 1939, p. 6.

59 Ibn Šabba, *Taʾrīḫ*, II, p. 535.

60 As given in the second report, and not his son (Ibrāhīm) b. al-Walīd (r. 744) as erroneously given in the first report.

61 Ibn Šabba, *Taʾrīḫ*, II, p. 535. A similar version with ʿUyayna annoying the Prophet in his home is reported in Abū Dāwūd b. Sulaymān b. al-Aš'aṯ al-Siǧistānī, *Sunan Abī Dāwūd*,

than reading, suggests that the Prophet's literacy may have extended beyond a basic ability to recognize and inscribe his name, to the ability to recognize familiar words and phrases; in any case, the Prophet's ability to read is higher than that of the petitioner.[62] These accounts thus center on and culminate in the moral given in the hadith, that one should not ask for alms beyond one's need. The document in this tradition remains tangential to the hadith that it generates (so much so that even the identity of the individual who makes a mockery of his document is confused). Yet the traces remain of a vivid tale of interaction and banter with the Prophet that entertains and instructs, all while tapping into Arabian folklore and poetic tradition on the figure of al-Mutalammis.

III Textual Shaping of Reports and the Scholar as Authenticator

Accounts of the Prophet's documents do more than just claiming status for tribal recipients. A number of traditions on illiterate tribes and on documents cited without their textual content make no claim for land or rights but only for contact and physical possession of a token from the Prophet. These details conflict with traditionalist shaping of accounts which are pre-eminently concerned with assessment of authenticity, legal content, or presentation of the document serving as occasion to narrate hadith. Chancery works and legal treatises will note the survival of claims and documents (originals and copies), which are sometimes at the center of juridical controversies, centuries after the Prophetic period to which they are attributed. Archival material also preserves evidence of such documents, even if later forgeries or copies of earlier texts, kept by communities for generations even while their claims have been historically rejected. This does not deny that documents are also cited in the context of tribal rivalry and factionalism to attest status. However, these claims of possessing documents are also not always the typical claim of the glory of an ancestor, as seen for example in the story of ʿUyayna and al-Aqraʿ, though they can be, as in the story of Tamīm al-Dārī. For some communities, these

Beirut, Dār Ibn Ḥazm, 1998, p. 255-256, no. 1629 (*Kitāb al-Zakāt, bāb mā yuʿṭā min al-ṣadaqa wa-ḥadd al-ġinā*), from ʿAbd Allāh b. Muḥammad al-Nufaylī < Miskīn < Muḥammad al-Muhāǧir < Rabīʿa b. Yazīd < Abī Kabša al-Salūlī < Sahl b. al-Ḥanẓaliyya.

62 Ibn Šabba, *Taʾrīḫ*, II, p. 536; also given in Ibn Ḥaǧar, *Fatḥ al-bārī bi-šarḥ* Ṣaḥīḥ *al-Buḫārī*, ed. ʿAbd al-ʿAzīz b. ʿAbd Allāh b. Bāz, [Damascus], Dār al-fikr li-l-ṭabāʿa wa-l-našr wa-l-tawzīʿ, 1959, VII, p. 504, where the verb is *kataba* and not *katabtu*.

documents were what they had and what they could attest as artifacts of the Prophet having done or said something in direct relation to themselves.

The tradition complex on the land in Palestine granted to Tamīm al-Dārī features one of the most extensive descriptions of the physical preparation of a document from the Prophet, beginning with the Prophet calling for a "scrap of red leather" (*qiṭʿat ǧild min adam*), and then withdrawing into his house in order to envelop, tie, and put his seal upon it. Al-Qalqašandī (d. 821/1418) notes that the document survives in his time and that the family brings it forth whenever a claim is made against them; it has been reported to him through various transmitters that the leather had been prepared in such a way that it would endure for a long time (*wa-l-adīm allatī hiya fīhi qad ḫuliqa li-ṭūl al-amad*).[63]

Though several accounts provide the text of this document, it is only those with a family *isnād*,[64] returning to Saʿīd b. Zayyād, a tax collector in Jerusalem in the early ʿAbbāsid period,[65] that make any mention of the material characteristics of the text. Al-Maqrīzī (d. 845/1442) for example provides three reports containing the full text of the document, including one narrated by Tamīm but not through a family *isnād*, along with several others that mention the document; a single account through the family *isnād* of Tamīm's brother contains the physical material information. Al-Maqrīzī's account by way of al-Ṭabarānī (d. 360/971), Abū Nuʿaym (d. 430/1038), and Ibn ʿAsākir (d. 571/1176),[66] but most closely following Ibn ʿAsākir's wording which seems to have been widely known during Mamluk era,[67] describes the preparation as such: *fa-daʿā rasūl Allāh* [*ṣlm*] *bi-qiṭʿat ǧild min adam wa-kataba fīhā kitāb* [...] *ṯumma daḫala ilā manzilihi wa-ġašāhu bi-šayʾ lā naʿrifuhu wa-ʿaqadahu min ḫāriǧ al-ruqʿa bi-sayr ʿaqdayn wa-ḫaraǧa ilaynā bi-hi maṭwiyyan*.[68] However, Ibn ʿAsākir

63 Al-Qalqašandī, *Ṣubḥ*, XIII, p. 122.

64 Tamīm was survived only by a daughter; his brother, in some reports an eye-witness to the drawing up of the document, is the origin of these reports.

65 Frenkel, *Ḍawʾ al-sārī*, p. 7.

66 *Ibid.*, p. 156-67. Al-Maqrīzī gives only the early part of the *isnād*: Saʿīd b. Zayyād b. Fāʾid b. Zayyād b. Abī Hind al-Dārī < his father < his grandfather < Abū l-Hind al-Dārī. The same account through the family *isnād* and by way of the same redactors is provided by Ibn Ḥaǧar's earlier text, *al-Ǧawāb al-ǧalīl ʿan ḥukm balad al-Ḫalīl*, but in a summarized form that does not include any of the details of physical material or preparation. See Frenkel's edition of Ibn Ḥaǧar's text in Frenkel, *Ḍawʾ al-sārī*, p. 266-69. This account through family *isnād* remains relevant by al-Suyūṭī's time as seen in his quotation of it in his treatise *Kitāb al-Faḍl al-ʿamīm fī iqṭāʿ Tamīm*; al-Suyūṭī provides an even more complete wording than al-Maqrīzī. See Frenkel's edition of al-Suyūṭī's text in his *Ḍawʾ al-sārī*, p. 332-333.

67 Frenkel, *Ḍawʾ al-sārī*, p. 157, n. 155.

68 *Ibid.*, p. 158-160.

himself gives an even more extensive wording than al-Maqrīzī's citation of his account, including an extra phrase: *ṯumma daḫala bi-l-kitāb ilā manzilihi fa-ʿālağa fī zāwiyat al-ruqʿa* […].[69] Only the even more detailed text by Ibn Abī ʿĀṣim al-Šaybānī (d. 287/900) makes sense of this wording: *fa-ʿālağa fī zāwiyat al-ruqʿa min asfal ḫātam wa-ġaššāhu* […].[70] *Ruqʿa* can refer to both the text as well as the material support.[71] Combining the wording of these accounts to obtain the most detailed description of this act thus appears to state that

> the Prophet called for a scrap of leather and wrote [*i.e.* had written] this document on it. Then he took the document and entered his house, and applied his seal on the bottom to a corner of the piece [of leather] and covered the document with a material we did not recognize, and knotted two knots around the exterior of the piece [of leather] and came out to us with it folded up.

The tradition through family *isnād*, and only this tradition, thus gives us this rather complex and detailed description of the physical preparation of the document by the Prophet.

The tradition complex on the granting of this document is indeed part of the heroic narrative on Tamīm al-Dārī, and these reports retained their popularity long after they were first put into circulation. As Frenkel's study shows, the tradition on the land grant circulated locally (in southern Bilād al-Šām) in the Umayyad period, and later scholars note that the document was presented to and accepted by the ʿAbbāsid authorities.[72] Much later, the text is employed in legal arguments in favor of the Šāfiʿī position on the granting of farming lands outside of the realm of Islam in the context of a juridical debate

69 ʿAlī b. al-Ḥasan b. ʿAsākir, *Taʾrīḫ madīnat Dimašq*, ed. ʿUmar Ġarāma l-ʿAmrawī, Beirut, Dār al-Fikr, 1995-2001, XI, p. 65.

70 The text has *zīwāya*, corrected here, and the full family *isnād* returning to Abī Hind al-Dārī. See Aḥmad b. Abī ʿĀṣim al-Daḥḥāk b. Maḫlad al-Šaybānī, *al-Āḥād wa-l-maṯānī*, ed. Bāsim Fayṣal Aḥmad al-Ǧawābira, Riyadh, Dār al-rāya li-l-ṭibāʿa wa-l-našr wa-l-tawzīʿ, 1991, V, p. 12.

71 It is both a brief message and a patch (of clothing or of leather). See Ibn Manẓūr, *Lisān al-ʿarab*, Beirut, Dār Ṣādir, 1955, VIII, p. 131. By the Fāṭimid period *ruqʿa*, along with *qiṣṣa*, refers to a petition and means literally "a piece of paper" or "short letter". See Samuel Miklos Stern, *Fatimid Decrees: Original Documents from the Fāṭimid Chancery*, London, Faber and Faber (« All souls studies », 3), 1964, p. 92.

72 Frenkel, *Ḍawʾ al-sārī*, p. 6, 27. Frenkel notes that the story plays different roles at different times, and that there was already controversy over the family's claim to property in Hebron and over the historicity of the tradition during the early ʿAbbāsid period.

on the re-conquest of Crusader-held lands.[73] Though its use by these sources reflects a Mamluk-era image of the state and juridical debate, there were multiple audiences to these texts, including a popular one in Egypt and Syria, who can be said to have had a collective ownership of the tradition which they had maintained.[74] Copies of the grant also survived into the Mamluk period where scholarly accounts show that it held some sacral value to the authorities for whom it was associated with *baraka*.[75] The document may even have been presented during Ottoman times; it is said to have been shown to sultan Salīm I (r. 918/1512-926/1520) when a *fatwā* was issued in favor of its legality.[76] In the case of the account of al-Maʾmūn's reception of the document, Frenkel notes that its transmission by later historians suggests its familiarity to the Mamluk-period audience.[77] This account was still circulated at the time of al-Suyūṭī (d. 911/1505) through an account extracted from Ibn ʿAsākir. It originates with Saʿīd b. Zayyād and is given in first-person narration, featuring the familiar trope of healing and blessing through placement of the relic over the eyes.

> [Saʿīd b. Zayyād] recounted: I showed it to him and he [al-Maʾmūn] said: "I should very much like to know what this covering over this seal is." [His brother, the prince] Abū Isḥāq said: "Untie this knot so that you may know what it is." But then he [al-Maʾmūn] replied: "I have no doubt that the Prophet tied this knot and I am not the person who is going to unloose a knot tied by the Messenger of Allah." Then [al-Maʾmūn] said to [his nephew] al-Wāṯiq: "Take it and lay it on your eyes; perhaps Allah will heal you." [Saʿīd related:] He began to lay it on his eyes and to weep.[78]

The knot on the exterior of the document, described in the popularly known tradition through the family *isnād*, evidently remained familiar to al-Suyūṭī's audience. In this account featuring al-Maʾmūn, the knot is emblematic of the Prophet's agency, and it is notable that the document behaves as a conventional relic only in relation to the state authorities.

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73 *Ibid.*, p. 8, 23; cf. David Cook, "Tamīm al-Dārī", *Bulletin of the School of Oriental and African Studies*, 61/1 (1998), p. 26-27 on how Mamluk-era sources also provide an afterlife for the land grant documents, which are repeatedly cited as part of a dispute between Ḥanafī rulers and Shāfiʿī jurists over the legality of the Prophet's granting land distant from his control at the time.

74 Frenkel, *Daw' al-sārī*, p. 16.

75 *Ibid.*, p. 28.

76 *Ibid.*, p. 31.

77 *Ibid.*, p. 7 and note 33.

78 *Ibid.*, p. 338-341, his translation.

That the claim made by the survival of such a document serves as a locus for the formation of self-identity and represents a claim of involvement in the Prophetical narrative can be subverted and overlooked by textual shaping driven by the traditionalist conception that standardizes the notion of hadith as an authorized verbal unit. The following report is given through a family *isnād* and in first-person narration.[79] A report from Muslim b. al-Ḥāriṯ b. Muslim al-Tamīmī from his father narrates how some Companions were sent by the Prophet on an expedition, and when the people there proclaimed their submission to Islam they spared them. They were then blamed by their companions for depriving them of booty, and when they informed the Prophet of this complaint, he told them that God had recorded a certain reward for them for each person they had spared. Then the Prophet said to al-Ḥāriṯ b. Muslim al-Tamīmī, "I will write a document for you, and whoever comes after me among the leaders of the Muslims will decree this for you (*wa-ūṣī bika*)" so he did so, and put his seal upon it, and handed it to him.[80] After the Prophet's death the caliphs confirmed this document for al-Ḥāriṯ, and renewed his token reward. However, according to the following report in Ibn al-Aṯīr, by the time of ʿUmar b. ʿAbd al-Azīz, the *kitāb* is not primarily a legal document to be executed, but a vehicle for the direct oral transmission of any hadith related to the document. Muslim narrates that he was asked to bring his father's *kitāb* to the caliph:

> When God the Exalted caused the Prophet of God, God's peace and blessings be upon him, to die, I took the document to Abū Bakr. He opened it, read it, commanded (something to be given to) me, and sealed it. Then I took it to ʿUmar, who did the same. Then I took it to ʿUṯmān, and he did the same. Muslim said: then my father died during the caliphate of ʿUṯmān and this document remained with us. When ʿUmar b. ʿAbd al-ʿAzīz came to rule, he wrote to a governor with power over us: "Send to me Muslim b. al-Ḥāriṯ al-Tamīmī with the document that the Prophet of God, God's peace and blessings be upon him, wrote for his father." [Muslim] said: so I departed with it to him, and he read it, commanded

79 Hišām b. ʿĀmir < al-Walīd b. Muslim < ʿAbd al-Raḥmān b. Ḥasṣān al-Kinānī < Muslim b. al-Ḥāriṯ b. Muslim al-Tamīmī < his father. See Ibn al-Aṯīr, *Usd al-ġāba*, I, p. 394.

80 *Ammā innī sa-aktubu laka kitāb, wa-ūṣī bika man yakūnu baʿdī min aʾimmat al-Muslimīn, fa-faʿala, wa-ḥatama ʿalayhi, wa-dafaʿahu ilayya*: see Ibn al-Aṯīr, *Usd al-ġāba*, I, p. 394. The report in Abū Dāwūd, narrated by ʿAlī b. Saḥl, reports the Prophet as saying, "*amma innī sa-aktubu laka bi-l-waṣā baʿdī*": see Abū Dāwūd, *Sunan Abī Dāwūd*, p. 767, no. 5080 (*Kitāb al-Adab*).

> someone to reward me, and sealed it. Then he said to me: "I only sent for you so that you could narrate to me what your father narrated to you." [Muslim] said: so I narrated the hadith directly to him.[81]

As with other reports narrated by the recipients of a document of the Prophet, exactly what was written in this text remains unclear. It is not the contents but the provenance of the document that is the focus of the reports. By the time of ʿUmar b. ʿAbd al-ʿAzīz, while its contents and significance remain ambiguous in the reports, the *kitāb* acts as a confirmation of the authority of its owner as a transmitter of hadith. A second report through a different source but the same family *isnād* notes only that the Prophet wrote the document for al-Ḥāriṯ,[82] and a third through yet another source returning to the same family *isnād* provides the text of the hadith that is appended to the report of this occasion (concerning a prayer to recite for protection from Hell-fire) followed by an account of the renewal of the document by the caliphs.[83] The interest of al-Ḥāriṯ's family in claiming and exhibiting this document is clearly in tension with its treatment by the authorities as significant only because it signals the presence of a hadith.

The following examples show shared formal and stylistic elements that reflect the increasing pressure of a traditionalist conception that elevated legal hadith and left only the vestiges of a tribal tradition on documents as token of personal contact. Formalistically, each of these accounts frames the report as an encounter of scholars and verifiable hadith transmitters with a Bedouin figure who is carrying a document that he claims was personally presented to him by the Prophet. Each account sets the stage for the narration of this event through identifying the transmitters of the account (the *isnād*), followed by identifying the scholars present and describing the social and geographical setting of the transmission of the hadith. The arrival of the Bedouin and the contrast between his demeanor, interests, and physical appearance and the motives of the hadith transmitters expresses a social tension, made explicit through dialogue in the case of Ibn Saʿd's account, between the Bedouin and those individuals gathered in a circle of learning in the urban

81 Ibn al-Aṯīr, *Usd al-ġāba*, I, p. 394.

82 Al-Ḥawṭī < al-Walīd b. Muslim < ʿAbd al-Raḥmān b. Ḥaṣsān < al-Ḥāriṯ b. Muslim b. al-Ḥāriṯ < his father. See *ibid.*, I, p. 394.

83 Abū Yāsir Hibat Allāh < ʿAbd Allāh b. Aḥmad < his father < Yazīd b. ʿAbd Rabbih < al-Walīd b. Muslim < ʿAbd al-Raḥmān b. Ḥaṣsān al-Kinānī < Muslim b. al-Ḥāriṯ al-Tamīmī < his father. See *ibid.*, I, p. 394.

environment of Baṣra's *mirbad*.[84] Stylistically, these accounts share the characteristic of featuring an anonymous Bedouin, who is identified only in terms of his carrying a scrap of leather and/or his physical appearance and tribal affiliation, who acts as the protagonist but is neither the transmitter nor the authority of the account. They each include a portion of first-person narration in the Bedouin's voice although this does not form the entirety of the account which is framed by the scholars' concerns. Thus the Bedouin's view of himself as an authority on some narrative about the Prophet, built around his claim to physical possession of a personally granted textual token from the Prophet, his narrative of his family's possession of this token, and his interest in this document being shown and recognized reflect the conventions of an object-based hadith tradition that ultimately escapes the intellectual and social needs of traditionalist texts. Historically, this tradition was at least concurrent with and left its traces on traditionalist texts. However, the increasingly stringent rules of transmission (seen here, for example, in the differences between Ibn Sa'd's and Abū Dāwūd's accounts of the same event from the same source) along with evidence for the popularity and local or tribal circulation of some of the accounts discussed above support the argument that this tradition on physical hadith-objects preceded the scholarly verbal hadith tradition in time. This could potentially allow a geographical mapping of popular tribal object-based hadith culture, and the oral tradition built around these objects, before compilation and canonization, which is hadith before hadith becomes the exclusive province of the intellectual elite.

In an example of how a document is explicitly subsumed by hadith, a report returning to Abū l-'Alā' describes his meeting with a Bedouin, who carried a piece of leather or leather bag (*qiṭ'at adīm aw ǧirāb*), in the market of Baṣra.[85] On this was written a safe-conduct (*amān*) from the Prophet for the Banū Zuhayr b. Uqayš of 'Ukl. The Bedouin was inquiring whether there was anyone around him who could read (*a-fīkum man yaqra'u*). Abū l-'Alā' responded that

84 This framework and setting appears to construct one of the "socially mediated normative contexts" identified by Stefan Leder as providing ground for a dichotomous relationship between Bedouin and sedentary which is otherwise resisted by medieval Arabic terminology that reflects spatial and socio-economical contact and interaction between both populations. See Leder, "Towards a Historical Semantic", p. 88. Cf. Zoltan Szombathy, "Fieldwork and Preconceptions: The role of the Bedouin as informants in medieval Muslim scholarly culture (second-third/eight-ninth centuries)", *Der Islam*, 92/1 (2015), p. 131-132 on references to the *mirbad* in Baṣra as a meeting-place between scholars and Bedouin informants particularly for linguistic research.

85 Ismā'īl b. Ibrāhīm al-Asadī b. 'Ulayya < al-Ǧarīrī < Abī al-'Alā'. See Ibn Sa'd, *Ṭabaqāt*, 1/2, p. 30.

he would read it, and the Bedouin informed him that the Prophet had written it for him (*katabahu lī*). The document, beginning with the *basmala* formula, states that if the clan of ʿUkl, the Banū Zuhayr b. Uqayš, proclaims the *šahāda*, disengages from the *mušrikūn*, and pays the special portion of battle wealth for the Prophet, the *ḫums*, it will be guaranteed security.[86] Abū l-ʿAlāʾ then reports that the people in the market asked the Bedouin if he had heard anything from the Prophet and if so, for him to relate it to them (*a-samiʿta min rasūl Allāh šayʾ tuḥaddiṯunāhu*)? He replied that he had heard the Prophet say that whoever is pleased by keeping his chest free from intense rancor should fast in the month of patience, that is Ramadan, and for three days of every month.[87] The people then asked him to confirm that he had heard this statement from the Prophet. To this the Bedouin replied that if they were afraid that he told falsehoods about the Prophet he would never again relate a hadith to them. This report provides in narrative form the transmission criteria of hadith criticism (*ʿulūm al-ḥadīṯ*): direct aural link to the Prophet's presence, and prioritizing of the truth-value of the *isnād-matn* compound or validification of the unit of speech identified as "*ḥadīṯ*." Ibn Saʿd's account illustrates how the physical document that represents this claim of contact with the Prophet is itself marginalized. Here the sight of a document obtained from the Prophet encourages observers to demand verifiable hadith, and a written document identifies an (illiterate) individual as a site for oral access to Prophetical citations. The public has less interest in the contents of the document than in the spoken exchange the document testifies to. The contents of the document, including formulaic trappings such as the *basmala*, are transmitted as part of a greater interest in a maxim from the Prophet and a description of one of his legal acts. This

86 *Ibid*., 1/2, p. 30. A variant report is also given by Abū ʿUbayd (d. 224/830), through a different *isnād* returning to Abū l-ʿAlāʾ. The location is given as the *mirbad* of Baṣra, and the Bedouin is carrying "a scrap of leather". It is the narrator and his brother who later ask the Bedouin for a hadith. See Abū ʿUbayd al-Qāsim b. Sallām, *Kitāb al-Amwāl*, ed. Muḥammad Ḫalīl Harrās, Cairo, Maktabat al-kulliyya l-azhariyya, 1969, p. 19.

87 Two reports in Ibn Ḥanbal's *Musnad* also give the text of the document and the accompanying hadith with slightly variant wording for both the document and the hadith. Most closely matching the account in Ibn Saʿd is the report from ʿAbd Allāh [b. Aḥmad b. Ḥanbal] < his father < Ismāʿīl < al-Ǧarīrī < Abī al-ʿAlāʾ b. al-Šīḫī which gives the location as the camel market of Baṣra and the Bedouin as carrying *qiṭʿat adīm* or *ǧirāb*; the Bedouin is asked to verify his hadith and retorts in the same way as in Ibn Saʿd's account. See Ibn Ḥanbal, al-*Musnad*, v, p. 77-78. Another report through ʿAbd Allāh < his father < Wakīʿ < Qurra < Yazīd b. ʿAbd Allāh b. al-Šīḫī [Abū l-ʿAlāʾ] has the account without the interaction between the crowd and the Bedouin over his hadith transmission, and the Bedouin is carrying *qiṭʿat adīm aw qiṭʿat ǧirāb.* Ibn Ḥanbal, *al-Musnad*, v, p. 363.

account thus makes visible and authorizes the subaltern but only within the traditionalist conception which prioritizes verifiable oral transmission of verbal hadith. However, the Bedouin voice itself asserts the document as token, and recalls the interpersonal activity of the writing of a document as having created a field for and codifying the event of an exchange of mutual respect between his tribe and the Prophet.

The Bedouin is a subaltern of early Islamic historiography and of hadith literature. Several reports in hadith and *ʿulūm al-ḥadīṯ* literature construct scholars as authorized figures who authenticate the documents carried by these individuals, who are sometimes illiterate and seek authentication through bringing the texts to an urban center. Their self-authenticating use by hadith scholars, however, does not explain what the carriers themselves are participating in as they keep these and maintain claims based on documents from the Prophet. That activity is outside of and on the fringes of the learned tradition, while traces of it sometimes rise to the surface of traditionalist literature.

The following report from the *Musnad* of Aḥmad b. Ḥanbal (d. 241/855) provides a sustained narrative by a Bedouin whose possession of a document from the Prophet protects him from being taxed unjustly. Although the protagonist of the story is represented as expressing an almost naïve kind of insistence, it manages to preserve in his voice a memory of a conversation with the Prophet in which his most earnest desire is to take something away from his encounter with the Prophet. The document was shown in Baṣra at the time of the governor al-Ḥaǧǧāǧ b. Yūsuf (d. 96/714) by the son of the recipient. The full text of the document is not provided but it is paraphrased. The report returns to Sālim b. Abī Umayya Abū l-Naḍr, who says that he was[88]

> sitting with an old man from the Banū Tamīm in the *masǧid* in Baṣra and he had a *ṣaḥīfa* with him in his hand. He [Abū l-Naḍr] said, "This was in the time of al-Ḥaǧǧāǧ". Then he [the old man] said to me, "O servant of God, have you seen this document that suffices me in the eyes of the sultan?" He [Abū l-Naḍr] said, I said then, "What is this document?" He replied, "This is a document that the Prophet of God, God's peace and blessings be on him, wrote for us, that none transgress against us concerning our taxes (*ṣadaqāt*)." He [Abū l-Naḍr] said, I said, "No, by God, I do not think that anything else would suffice you. And what are the circumstances surrounding this *kitāb*?" He said, "I arrived at Medina along with my father while I was a young boy, and we had with us some camels

88 The full *isnād* is ʿAbd Allāh [b. Aḥmad b. Ḥanbal] < his father < Yaʿqūb < his father < Ibn Abī Isḥāq < Sālim b. Abī Umayya Abū l-Naḍr.

> to sell. My father was a friend of Ṭalḥa b. ʿUbayd Allāh al-Taymī and so we stayed with him […]. My father said to Ṭalḥa, 'Obtain for us from the Prophet of God, God's peace and blessings be on him, a document (*kitāb*) that we will not be transgressed against concerning our *ṣadaqa*.' He said, 'This you have as does every Muslim.' He [my father] said, 'Concerning this I would like that I have from the Prophet of God, God's peace and blessings be on him, a document.' Then he [Ṭalḥa] went out and came with us to the Prophet of God, God's peace and blessings be on him, and he [Ṭalḥa] said: 'O Prophet of God, verily this man from among the Bedouin is a friend of ours, and he would like that you write for him a document that no one may transgress against him concerning his *ṣadaqa*.' Then the Prophet of God, God's peace and blessings be on him, said: 'This you have as does every Muslim.' He [my father] said: 'O Prophet of God, perhaps I would like to have from you a document on this.' Then the Prophet, God's peace and blessings be on him, wrote for us this document."[89]

This report of an oral exchange retains some of the stylistic devices of orally performed literature, including a structure created by near exact repetition of formulas.[90] Of interest regarding this tradition is that we can imagine an *isnād* for the physical document only it is unverifiable. The principal tradent is an unnamed "old man" of Tamīm, comparable to the unnamed Bedouin of the

89 Ibn Ḥanbal, *al-Musnad*, 1, p. 163-164. See Fred McGraw Donner, *The Early Islamic Conquests*, Princeton, Princeton University Press, 1981, p. 109, 251-253, 265, on a special category of tax on camels called *ṣadaqa* applied to nomadic tribesmen, whether Muslim or non-Muslim, established by the Prophet towards the end of his life and continued under the early conquests period, and indicative of the distinct social status of the Bedouin. The reference to *ṣadaqa* in this account can conceivably also be to the Bedouin as recipient of alms. See Fritz Steppat on non-emigrating Bedouin as recipients of *ṣadaqa* which excludes them from pensions ('*aṭā*') derived from the revenue of conquered lands; Fritz Steppat, "'Those Who Believe and Have Not Emigrated': The Bedouin as the marginal group of Islamic society", in Fritz Steppat, *Islam als Partner: Islamkundliche Aufsätze 1944-1996*, Würzburg, Ergon Verlag, 2001, p. 336-37. The Prophet's documents to tribes tend to use the term *zakāt* or describe taxation amounts without terminology.

90 R. Marston Speight argues for a concern to "preserve the conventions of oral recitation" in hadith compilations, marked by the following indications of oral composition, with reference to Albert Lord's *The Singer of Tales*: "unvarying style, frequent repetition of expressions, emphasis on action rather than description, conversational tone, atomistic structure, use of formulas as 'the means of expressing themes.'" See R. Marston Speight, "Oral Traditions of the Prophet Muhammad: A Formulaic Approach", *Oral Tradition*, 4/1-2 (1989), p. 27.

tradition from Abū l-ʿAlāʾ. But the *isnād* for the report concerning the document is of attested transmitters, coming down to Aḥmad b. Ḥanbal. It is clear that documents and hadith have distinct sets of transmitters and requirements for transmission. Yet the carrying of documents by such individuals as this unnamed man of the Tamīm forces the scholarly elite to engage with them, allowing their participation in the life of the Prophet some recognition.

Abū Dāwūd's account of the safe-conduct document granted to the Banū Zuhayr b. Uqayš also exhibits these separate criteria for document and hadith. In Abū Dāwūd's (d. 275/888) account, a man with "unkempt hair" appears at the *mirbad*, carrying a *qiṭʿat adīm aḥmar*. Abū l-ʿAlāʾ narrates that the Companions ask him whether he is a Bedouin, literally "from the people of the steppe" (*min ahl al-bādiya*), and when he replies in the affirmative they request that he hand over the document that he carries. The text of the document is then recorded in the hadith. Finally, the Companions ask the Bedouin who wrote the document for him, to which he replies that the Prophet has done so.[91] The hadith on fasting narrated by the Bedouin, provided in Ibn Saʿd's account, is not given as it does not meet the transmitter criteria of Abū Dāwūd. Conversely, there is no attempt at authenticating the document whose text is quoted, nor does the document carrier have a personal identity beyond his affiliation with the tribe addressed in the document. Though the Bedouin himself expresses very little, the structure of this short account makes clear that the document does not mean to the Bedouin what it means to the Companions who are invested only in learning and recording an act of the Prophet. This man, the details of whose appearance fall in line with the image of the Bedouin as uncouth,[92] is only one in a series of images that such reports preserve of an individual who places importance on physical possession of a document composed by the Prophet and obtained while in the presence of the Prophet, of taking something away from the Prophet, and of carrying it and showing it to others, even if he cannot read it.

Lack of an *isnād* does not prevent authentication of copies of documents when they remain of legal and socio-political significance. Returning to the traditions on the grant of Tamīm al-Dārī, at a time when the debate on this document again became current, al-Maqrīzī adduces Abū Bakr Muḥammad b. al-ʿArabī's (d. 543/1148) commentary on the *Muwaṭṭaʾ* of Mālik in which he states concerning Ibn ʿAsākir's account of the document of Tamīm al-Dārī: "We

91 Abū Dāwūd, *Sunan Abī Dāwūd*, p. 467, no. 2999 (*Kitāb al-Ḫarāǧ wa-l-imāra wa-l-fayʾ, bāb mā ǧāʾa fī sahm al-ṣafī*) from Muslim b. Ibrāhīm < Qurra < Yazīd b. ʿAbd Allāh. The text of the document matches that of Ibn Ḥanbal, *al-Musnad*, v, p. 363.

92 Cf. Leder, "Towards a Historical Semantic", p. 113-114.

do not follow those who rejected it on the ground that it is not an oral transmission (*masmūʿa*) because this fact should not prevent [its use as evidence] in case of contest (*iḥtiǧāǧ*)."[93] The authentication of these documents is not the objective of these reports that are instead concerned with the presentation of hadith and of evidence for juristic questions.

Finally, non-Muslims are also represented as preserving, and submitting, their own inherited documents for authentication by the '*ulamā*'. An example is the safe-conduct document (*amāna*) granted to the Jews of Maqnā, found in sources such as Ibn Saʿd's *Ṭabaqāt*, al-Balāḏūrī's (d. 279/892) *Futūḥ al-buldān*, and Abū ʿUbayd al-Qāsim b. al-Sallām's (d. 224/836) *Kitāb al-Amwāl*. According to al-Balāḏurī, a resident of Cairo saw the document "with his eyes," written on red leather in a studious hand. This was copied and then dictated to al-Balāḏurī who cites it in his historical work.[94] In contrast, a comparable document exempting the Jews of Ḫaybar from paying the *ǧizya* is rejected by hadith experts. According to Ṣalāḥ al-Dīn Ḫalīl b. Aybak al-Ṣafadī (d. 764/1363), the Jews brought a document witnessed by ʿAlī b. Abī Ṭālib to the vizier ʿAlī b. al-Ḥusayn b. Aḥmad, who did not assess it himself but consulted al-Ḫaṭīb al-Baġdādī (d. 463/1071), indicating that authentication of these documents from the Prophet was under the purvey of hadith scholars. Al-Baġdādī declared the document a forgery.[95] This document remains of great interest to the '*ulamā*' of the period. Ibn Qayyim al-Ǧawziyya (d. 750/1350) collects judgments that discredit it on a total of ten points. His argument definitively refers back to the eye-witness evaluation of the document during the time of al-Baġdādī'.[96] The sheer extent of this effort of discreditation illustrates the subversive threat such documents could constitute when in the hands of subalterns, particularly when these subalterns are non-Muslims.

The existence of these documents constitutes an autonomous claim to truth, offering testimony of a direct connection to the Prophet, not granted or mediated by the scholarly elite but preserved and passed down by the subalterns themselves. Ultimately, this testimony can have an empowering and self-defining function as claim to social legitimacy for the subaltern. While the document is outside the physical and cultural control of elites, it

93 Frenkel, *Ḍawʾ al-sārī*, p. 222-223, Frenkel's translation.

94 Aḥmad b. Yaḥyā l-Balāḏūrī, *Futūḥ al-buldān*, ed. ʿAbd Allāh Anīs Ṭabbāʿ and ʿUmar Anīs al-Ṭabbāʿ, Beirut, Dār al-našr li-l-ǧāmiʿīn, 1377/1957, p. 78-81.

95 Ṣalāḥ al-Dīn Ḫalīl b. Aybak al-Ṣafadī, *Kitāb al-Wāfī bi-l-wafayāt*, ed. Hellmut Ritter, Istanbul, Maṭbaʿat al-dawla, 1931, p. 44-45.

96 Šams al-Dīn Abū ʿAbd Allāh Muḥammad b. Abī Bakr b. Qayyim al-Ǧawziyya, *Aḥkām ahl al-ḏimma*, Beirut, Dār al-kutub al-ʿilmiyya, 1995, I, p. 22-23.

yet simultaneously lays a powerful claim to authority within the constructed parameters of meaning and validity set out by them. Despite the famous rejection of this document for the Jews of Ḫaybar, it was ostensibly of such significance to them that Jewish communities nonetheless maintained their traditions on it, and for this we have documentary evidence. A paper copy of a version of this document survives from the Cairo Geniza, on a sheet including other traditions on the status of the Jews of Ḫaybar and Maqnā and their intimacy with the Prophet.[97]

That marginalized populations maintained collections of documents for use as defense and for claims of legitimacy is corroborated by documentary finds. Marina Rustow notes the link between chancery documents as models, the maintenance of archives, and the defense of *ḏimmī* communities. Christian and Jewish institutions are among the best of our sources for documents from medieval Islam.[98] The Fāṭimid period archival documents published by Samuel Miklos Stern are mostly to non-Muslim communities. Stern notes, "It is hardly a coincidence that these documents were preserved by non-Muslim communities: they had a sort of corporative existence which assured to them a greater continuity than that common to Muslim institutions."[99]

These traditions thus retain traces of cultural activities centered not on textual content but on a culture of objects and attendant claims of status and security. The participants in these activities are those who are excluded from the classical definitions of a Companion or reputable transmitters. The accounts simply identify them as anonymous Bedouin or groups of religious minorities. Accounts of the evaluation of these documents by the '*ulamā*' and their presentation in hadith literature itself serve to pointedly transfer any authority accruing to the documents to the Companions and to the '*ulamā*' as transmitters and authenticators of hadith. Yet at the same time these accounts allow us to trace the documents' function as carriers of personal (familial, tribal, and communal) memories of contact with the Prophet. They allow us to see hadith outside of its institutionalized setting, found at the edges of traditionalist conception.

97 Hartwig Hirschfeld, "The Arabic Portion of the Cairo Geniza at Cambridge", *Jewish Quarterly Review*, 15/2 (1903), p. 167-180.

98 Marina Rustow, "A Petition to a Woman at the Fatimid Court (413-414 A.H./1022-23 CE)", *Bulletin of the School of Oriental and African Studies*, 17/1 (2010), p. 24.

99 Stern, *Fatimid Decrees*, p. 4.

IV Hierarchies of Persons and of Texts

The status of documents within *ʿulūm al-ḥadīṯ* literature occurs as a category of material received from the Prophet within the context of lived experience, and intimacy. In his *Madḫal ilā maʿrifat al-iklīl*, al-Naysābūrī (d. 403/1012) outlines the first category of what scholars agree on as sound concerning material attributed to the Prophet. He arrives at a total number of traditions (about ten thousand), based on stipulations that a reputable Companion transmits from the Prophet, having two trustworthy transmitters, then a Follower with a reputation for transmission from that Companion transmits from him, also having two trustworthy transmitters. Then a well-known master (*ḥāfiẓ*) from among the Followers of the Followers transmits the report, having trustworthy transmitters from the fourth class. Then al-Buḫārī or Muslim collects the report, as masters with reputations of transmission from the fourth class of transmitters. The total number of traditions from the Prophet must initially have been much greater, as four thousand Companions transmitted from him, individuals who associated with him for more than twenty years in Mecca, then in Medina. Al-Naysābūrī provides a revealing list of the types of material all of these Companions have obtained from the Prophet:

> They committed to heart from him his words and deeds, his sleeping and his waking, his movements and his quiescence, his rising up and his sitting down, his striving and his worship, his manner of life and his expeditions, his lessons and his jesting, his rebuke and his preaching, his eating and his drinking, his walking and his remaining still, his sporting with his family and his training of his horse, his letters to Muslims and polytheists, his treaties and covenants (*wa-kutubihi ilā l-muslimīn wa-l-mušrikīn wa-ʿuhūdihi wa-mawāṯiqihi*), his glances, his breaths, and his characteristics. [. . .] This is apart from what they committed to heart from him of the statutes of the *šarīʿa*, what they asked concerning religious duties and things permitted and forbidden, and the disputes which they brought to him.[100]

Here the documents are something one receives from simply knowing the Prophet and are not part of the strictly controlled material that becomes

100 Al-Ḥākim al-Nīsābūrī, *An Introduction to the Science of Tradition: al-Madḫal ilā maʿrifat al-iklīl*, transl. James Robson, London, The Royal Asiatic Society of Great Britain and Ireland, 1953, p. 15 (English translation), p. 12 (Arabic text).

hadith. They are clearly divided from legal issues and questions concerning ritual, the forbidden, and the permitted.

Al-Naysābūrī's subsequent definition of a Companion includes those who were consistently in the presence of the Prophet and participated in major events, stating that no transmission was received from those who resided in the desert: "These Companions were the transmitters except so far as they were kept away from him and died before him and were killed in his presence in the ranks, or lived in the desert and no transmission or tradition has appeared from such."[101] It is precisely these excluded persons who are responsible for reports of many of the Prophet's documents.

Occasionally, the sources will place a document from the Prophet in association with other objects including more famous relics where they form part of a collection of objects with transformative and curative properties. Al-Muqaddasī (d. 381/991) records that the mantle of the Prophet (received in Tabūk in 9/630-631) and a treaty of his on parchment are kept in Aḏruḥ.[102] The Prophet's letter granting concessions to the Jews of Ayla was kept along with the Prophet's cloak.[103] Al-Saḫāwī's (d. 902/1497) account of Ibn al-Zamān (d. 897/1492) reflects the later "Middle Period" (6th/12th-10th/16th centuries) culture of the Prophet's documents as placed within the same class as other relics and used to coalesce popular pilgrimage and institutionalized learning.[104] Ibn al-Zamān was given by a holy man an imprint of the footprint, hair, and

101 *Ibid.*, p. 16.

102 Daniella Talmon-Heller, *Islamic Piety in Medieval Syria: Mosques, Cemeteries, and Sermons under the Zangids and Ayyūbids (1146-1260)*, Leiden-Boston, Brill (« Jerusalem studies in religion and culture », 7), 2007, p. 203.

103 Moshe Gil, *A History of Palestine, 643-1099*, transl. Ethel Broido, Cambridge-New York, Cambridge University Press, 1992, p. 29, note 25 citing al-Diyārbakrī's *Taʾrīḫ al-ḫamīs fī aḥwāl anfas nafīs al-balad al-amīn*, Ibn ʿAsākir's *Tārīḫ madīnat Dimašq*, and Ibn al-Aṯīr's *al-Kāmil fī l-taʾrīḫ*.

104 Jonathan Berkey, Joseph Meri, and Daniella Talmon-Heller's studies have shown us that the "Middle Period" sees the development of a social and cultural relationship between relics and *ḥadīṯ* transmission and patronage. Berkey and Meri both write on the spatial overlap between popular use of special objects and the institutionalized transmission of learning. See Jonathan P. Berkey, "Tradition, Innovation and the Social Construction of Knowledge in the Medieval Islamic Near East", *Past & Present*, 146 (1995), p. 38-65. Meri, however, argues that such activities are not properly "popular culture" due to the constraints placed on popular access to relics, which were owned by the elite who regulated their public viewings and because public access also depended on entry to *madrasa*s and shrines. See Joseph W. Meri, *The Cult of Saints Among Muslims and Jews in Medieval Syria*, Oxford-New York, Oxford University Press (« Oxford Oriental monographs », 2002), 2002, p. 111.

a letter of the Prophet scribed by Šuraḥbīl b. Ḥasana, which he placed in his *madrasa* in Cairo.[105] In contrast, family *isnād*s and traditions of the preservation of these documents illustrate the existence of vibrant localized traditions on these documents at the pre-compilation stage, rather than the more general use of the documents as relics of the Prophet.

The earliest sources assume that the society surrounding the Prophet exhibited a certain level of literacy, with particular individuals being known for having the ability to write. Corroboration of reports across *sīra* and *riǧāl* literature in order to compile lists of literate Companions reveals that these sources relate writing abilities to administrative and diplomatic roles rather than equating literacy as morally or scripturally threatening.[106] These are the individuals who facilitated the transfer of documents between the Prophet and the tribal recipients, their names recurring in the scribal clauses of quotations of the documents. The larger context assumed by the early sources on reports of these documents is thus of a scribal society in which access to texts was available to the illiterate through skilled individuals who produced and recited the contents of legal documents.

On the Prophet's actual involvement in the production of these documents, the reports depict the activities of authorship and drawing up documents as interpersonal and collective. According to these traditions, the Prophet generally "authored" these texts through dictating them to a scribe. More necessary than elegant writing, these scribes must have had a familiarity with documentary formulae, which provided a template requiring only the raw material such as personal names and place-names in order to generate a legally recognized grant of land or of safe-conduct. There is textual evidence for the Prophet's basic ability to read, as for example in the tradition from Sahl b. al-Ḥanẓaliyya concerning documents for ʿUyayna and al-Aqraʿ which were written in the Prophet's presence by Muʿāwiya. Medieval Islamic tradition does not accord him more than poorly executed writing. Al-Ṭabarī (d. *ca* 310/923) repeats al-Buḫārī's judgment that the Prophet wrote "Muḥammad" in the opening to the Treaty of Hudaybiya when his scribe ʿAlī refused to erase the title *rasūl Allāh* ("prophet of God") at the request of the Meccans, while "he did not write

105 Meri, "Relics", p. 112, citing al-Saḫāwī's *al-Ḍaw' al-lāmiʿ*.

106 Claude Gilliot, "Oralité et écriture dans la genèse, la transmission et la fixation du Coran", in *Oralité et Écriture dans la Bible et la Coran*, ed. Phillipe Cassuto and Pierre Larcher, Aix-Marseille Université, Presses Universitaires de Provence, 2014, p. 101-115; and Michael Lecker, "Zayd b. Ṯābit, 'A Jew with Two Sidelocks': Judaism and Literacy in Pre-Islamic Medina (Yathrib)", *Journal of Near Eastern Studies*, 56/4 (1997), p. 267-271.

well" (*wa-huwa lā yuḥsinu l-kitāba*).[107] Thus Ibn Qutayba (d. 276/889) defines *ummī*, taken by most modern and later medieval Islamic scholars to denote illiteracy,[108] as a lack or minimum of skill in writing. Ibn Qutayba argues that apart from ʿAbd Allāh b. ʿAmr b. al-ʿĀṣ, the Companions of the Prophet were *ummiyyūn*, since only a few could write, and that only imprecisely and with spelling errors.[109] This assessment is no different from describing a scribal society in which literacy is a skill set combining manual and legal knowledge exhibited only by a few publically known individuals. In this context, the Prophet's documents are conceived as ordinary, pragmatic texts and objects.

Conclusion

Interactions between written texts and audience within an oral field exhibit what Alessandro Duranti calls, in several of his works, a "local theory of meaning." In his studies of the intersection of intention and speech acts in Samoa, Duranti sees that

> Interpretation is not conceived as the speaker's privilege. On the contrary, it is based on the ability (and power) that others may have to invoke certain conventions, to establish links between different acts and different social personae. Meaning is collectively defined on the basis of recognized (and sometimes restated) social relationships.[110]

Conversation analysis "has shown that even the apparently most ritualized acts of speaking, *e.g*. the beginning of telephone conversations, involve

107 Abū Ǧaʿfar Muḥammad b. Ǧarīr al-Ṭabarī, *Annales quos scripsit Abu Djafar Mohammed ibn Djarir at-Tabari*, ed. Michael Johan de Goeje, Leiden, E.J. Brill, 1964-1965, III, p. 1548-1549.

108 Isaiah Goldfeld shows that the concept of the Prophet's illiteracy developed not before the first half of the second Islamic century and as part of the exegetical discussion which also included illiteracy as "a national trait of the pre-Islamic Arabs (*Ummah Ummiyyah*)", in order to support the claim of the complete inspiration and originality of the Prophet. See Isaiah Goldfeld, "The Illiterate Prophet (*Nabī Ummī*): An Inquiry into the development of a dogma in Islamic tradition", *Der Islam*, 57 (1980), p. 58. Cf. Norman Calder, "The *Ummī* in Early Islamic Juristic Literature", *Der Islam*, 67 (1990), p. 115-119, who argues that *ummī* may be a naturalization of the Rabbinical *ʿam ha-ares* in denoting ignorant insider, either one ignorant of or not practicing purity laws or ignorant of scripture.

109 Khalil ʿAthamina, "'Al-Nabiyy al-Ummiyy': An Inquiry into the Meaning of a Qur'anic verse", *Der Islam*, 69 (1992), p. 78.

110 Alessandro Duranti, "The Audience as Co-Author: an Introduction", *Text*, 6/3 (1986), p. 241.

negotiations and must be cooperatively worked out,"[111] while child language studies reveal that propositions can be produced across turns and speakers. Cross-cultural studies of language, intention, and meaning thus emphasize that once a proposition has been uttered, authorship, that is, who said what, "is defined on the basis of the local conventions for assigning responsibility and agency."[112]

Textual coherence and therefore authenticity in an oral field are functions of multiplicity and are polyphonic, but they are also controlled. The meaning of the Prophet's documents is established through the conventions of the medieval Islamic scholarly community through its work of identifying agents, authors, and transmitters. The subaltern persons in these reports, though found in the canons of traditionalist literature, are not Companions and well-known transmitters but include unnamed Bedouin and non-Muslims. In their use of the documents as "hadith-objects" their interest in claims of contact with the Prophet thus remains visible even while the constraints of the genre and scholastic discourse do not allow these figures to be entered into the category of Companion and hadith transmitter. While these reports are self-consciously geared toward recording the intentions of Prophet, in effect they record a web of social relationships formed between tradition compilers and tribal informants, and they retain traces of the value that a certain audience placed on physical descriptions of documents from the Prophet. That audience was probably distinct from the audience and readership that developed around authorized narratives of the Prophet's life and hadith compilations. The traces of this other tradition and other audience reflect the concerns of individuals, families, and tribes who were lower on the social scale and sought to locate themselves somewhere within the narrative of the Prophet's life due to the real and perceived social benefits of such connection.

The Prophet's documents thus function within two distinct ritualized and conventional settings in which they were passed down, seen, heard, and attached to persons and to narratives. As we have seen, reports on the documents privilege information on their physical materials as well as tribal identification of their possessors and carriers. It is within this field of memories transmitted by families that the documents were primarily sensible.

Over time, however, the meaning of the Prophet's documents became embodied in the *isnād* rather than in communally shared accounts of

111 *Ibid.*, p. 242.

112 *Ibid.*, p. 242. See also Alessandro Duranti, "Sociocultural Dimensions of Discourse", in *Handbook of Discourse Analysis*, ed. Teun Adrianus van Dijk, London-New York-Toronto, Academic Press, 1985, I, p. 192-230.

possession and preservation of the physical artifacts. Some reports, such as the award to al-Ḥāriṭ b. Muslim al-Tamīmī and the alms petitions and grants of safe-conduct and protection to unnamed Bedouin cited in the works of Ibn Saʿd, Ibn Ḥanbal, and Abū Dāwūd exhibit the transition between a culture that centered on possession of a document as a legal and social claim to a culture in which visual confirmation of a document served only as an occasion for transmitting hadith. Here, Erick Dickinson's point on "elevated *isnāds*," coming into play when hadith transmission is no longer emblematic of a vibrant physical link, is relevant. To later transmitters of hadith, following the compilation of the canonical collections in the third and fourth Islamic centuries, authenticity of hadith became linked with inclusion in earlier written compilations. "If one was no longer required to obtain a text by the approved methods and the aim of collecting hadith was no longer to authenticate them, what drove the continued oral transmission of texts?"[113] The answer is the charismatic value of hadith; but unlike relics, Dickenson states, in hadith transmission pious association was necessarily mediated. This lead to an equation made by such scholars as Ibn al-Ṣalāḥ (d. 643/1245) of "elevated" *isnād*s, that is, shorter chains of transmission featuring fewer mediators between oneself and the Prophet, with fewer opportunities for error in transmission. "Elevation made time elastic and gave those unlucky enough to have been born late the opportunity to enjoy the spiritual superiority of earlier generations." Thus the *isnād*, "which had once served to guarantee the authenticity of the hadith as it was passed down from generation to generation, both documented and quantified the believer's remoteness from the object of his desire."[114]

The reports investigated here preserve an element of what hadith meant to the non-scholars, the non-elite, the non-literate. The traditionalist production itself can serve to elucidate the non-canonical or even pre-canonical social arena in which hadith was a complex cultural object asserting status and protection within a community. The peoples' traditions on the Prophet's documents as objects thus destabilizes the notion of hadith as text.

113 Eerick Dickinson, "Ibn al-Ṣalāḥ al-Shahrazūrī and the Isnād", *Journal of the American Oriental Society*, 122/3 (2002), p. 489.

114 *Ibid.*, p. 504-505.